# GOVERNMENT OF INDIA
# COMMUNICATIONS
# LOK SABHA

UNSTARRED QUESTION NO:2507
ANSWERED ON:30.11.2016
Phone Tapping
Reddy Shri Mekapati Rajamohan

**Will the Minister of COMMUNICATIONS be pleased to state:**

(a) the criteria laid down for tapping the telephone calls particularly of public representatives in States;

(b) whether Centre"s permission is mandatory in this regard;

(c) if so, the details thereof; and

(d) the nodal authority competent to decide on tapping of telephones of general public and the public representatives?

## Answer

THE MINISTER OF STATE (IC) OF THE MINISTRY OF COMMUNICATIONS &
MINISTER OF STATE IN THE MINISTRY OF RAILWAYS
(SHRI MANOJ SINHA)

(a) to (c) Madam, Lawful Interception & Monitoring of communication messages including telephone calls is governed by the Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules, 2007. The Section 5(2) of Indian Telegraph Act 1885 stipulates that:

"On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorized in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order."

(d) Directions for the interception of any message or class of messages shall be issued by an order made by the Secretary to Government of India in the Ministry of Home Affairs in case of Government of India and by Secretary to the State Government in-charge of the Home Department in the case of a State Government as per the provisions of Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419 (A) of Indian Telegraph (Amendment) Rules, 2007. In unavoidable circumstances, such order may be made by an officer, not below the rank of Joint Secretary to Government of India, who has been duly authorized by the Union Home Secretary or State Home Secretary, as the case may be.

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